

Panaji, 7th August, 1989 (Sravana 16, 1911)

SERIES I No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Transport Department

Notification

5/28/88-TPT

The below mentioned Notifications from the Government of India. Ministry of Surface Transport (Transport Wing), New Delhi are hereby republished for general information of the public.

1. S.O.436(E) dated 12.6.1989
2. S.O.416(E) dated 8.6.1989
3. S.O.424(E) dated 9.6.1989
4. S.O.414(E) dated 8.6.1989
5. S.O.419(E) dated 8.6.1989
6. S.O.418(E) dated 8.6.1989
7. S.O.417(E) dated 8.6.1989
8. S.O.437(E) dated 12.6.1989
9. S.O.426(E) dated 9.6.1989
10. S.O.438(E) dated 9.6.1989
11. S.O.415(E) dated 8.6.1989
12. S.O.425(E) dated 9.6.1989
13. S.O.439(E) dated 12.6.1989
14. S.O.441(E) dated 12.6.1989
15. S.O.442(E) dated 12.6.1989
16. S.O.443(E) dated 12.6.1989
17. S.O.440(E) dated 12.6.1989

P. S. NADKARNI, Under Secretary to the Govt. of Goa, (Transport Department).

Panaji, 6th June, 1989.

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 12th JUNE, 1989

NOTIFICATION

S.O.436(E) In exercise of the powers conferred by sub-section (4) of section 41 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby specifies the types of mentioned in column (2) of the Table below as the type in respect of motor vehicles specified in the corresponding entry in column (1) thereof for the purposes of the said sub-section (4) :-

TABLE

<u>Motor vehicles</u>	<u>Type of Motor vehicles</u>
(1)	(2)
1. Motor cycle	Motor cycle
	Scooter
	Moped
	Motorised Cycle
2. Light Motor Vehicle	Three-wheelers -
	Passenger Vehicle
	Auto rickshaw
	Tempo
	Motorised cycle rickshaw
	Invalid Carriage
	Three-wheeler -
	Goods carriage
	Delivery Van
	Four-wheeler -
	Passenger Vehicle
	Motor car
	Jeep
	Jeep stage carriage

Maxi cab
Ambulance
Station wagon
Invalid Carriage
Van
Four wheelers - goods carriage

(c)

the emergency transportation of sick, injured, wounded or otherwise incapacitated animals;

Delivery Van
Truck
Fork Lift
Postal Van
Mobile canteen
Mobile Post Office
Mobile clinic

(d)

"Auto-rickshaw" means a motor vehicle having three wheels constructed or adapted and used to carry not more than three passengers for hire or reward excluding the driver;

Passenger vehicle

(e)

"Campers' van" means a motor vehicle designed or constructed to provide living quarters for recreational, camping or travel use with direct walk through access to the living quarters from the driver's seat;

3. Medium and heavy motor vehicle

stage carriage, ordinary
Express bus
Town/city bus
Mini bus
Passenger-cum-goods carriage
Tourist coach
Campers van
Camping trailer/House trailer
Trackless trolley coach
Double-decker bus

Goods carriage

Animal ambulance
Crane
Truck
Dumper
Fork lift
Pick up van
Rig
Tow truck
Refuse collector
Demonstration van
Mobile van canteen
Mobile library van
Mobile post office vehicle
Postal van
Mobile clinic
Mobile workshop
Mobile shop vehicle
Tanker

(f)

"Dumper" means a self propelled goods vehicle having an open cargo body designed to transport and dump or spread material;

(g)

"House Trailer" means a trailer or semi-trailer equipped and used for temporary living quarters for camping or tourist purposes and not for the transportation of freight, good wares and merchandise and the like;

(h)

"Prime Mover" means a motor vehicle designed and used primarily for drawing other vehicle and not so constructed to carry a load other than a part of the weight of the vehicle and load as drawn;

(i)

"Tow Truck" means a motor vehicle designed or altered and equipped for and used to push, tow or draw disabled vehicles by means of crane, hoist tow bar, tow line auxillary axles and to render assistance to disabled vehicles;

(j)

"Trackless Trolley Coach" means a motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

2. For the purpose of this notification,-

(a) "Ambulance" means vehicle specially designed, constructed or modified and equipped and intended to be used for emergency transportation of persons who are sick, injured, emergency or otherwise incapacitated;

(b) "Animal ambulance" means an ambulance intended to be used for

3. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

File No. RT/11014/3/89-TAG

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)**

NEW DELHI, the 8th June, 1989

Notification

S.O.416(E) In exercise of the powers conferred by sub-section (1) of section 58 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the notification of the Government of India in the Ministry of Surface Transport No. S.O.690(E), dated the 25th September, 1982, the Central Government hereby specifies that in relation to the transport vehicles of all makes and models except motor cab, the maximum safe laden weight of motor vehicles and maximum safe axle weight of each axle of such vehicles shall be as follows, namely:-

(1) The maximum safe laden weight and the maximum safe axle weight of each axle in relation to each make and model of such transport vehicle shall be as per the rating of the maximum safe weight and the maximum axle weight of each axle fixed by the manufacturer.

(2) The maximum safe axle weight determined in para (1) shall be further restricted to the maximum safe axle weight given in the Schedule.

(3) The maximum safe laden weight in respect of all such transport vehicles shall not be more than the sum total of all the maximum safe axle weight put together.

SCHEDULE

The maximum safe axle weight shall be as follows:-

	Tonnes
Single axle (Single wheel)	
Fitted with 1 tyre	3.0
Single axle fitted with 2 tyres	6.0
Single axle fitted with 4 tyres	10.2
Tandem axle fitted with 8 tyres	19.0

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

File No. RT-11014/3/89-TAG

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)**

NEW DELHI, THE 9th JUNE, 1989

Notification

S.O.424(E) In exercise of the powers conferred by sub-section (1) of the section 60 of the Motor Vehicles Act, 1988 (59 of 1988) the Central Government hereby specifies the following officers as the officers who may register motor vehicles referred to in the said sub-section, namely:-

- (i) The Officers Commanding of Units of the Army of and above the rank of Major;
- (ii) The Officers Commanding of Units of the Navy of and above the rank of Lieutenant, Commander;
- (iii) The Officers Commanding of Units of the Air Force of and above the rank of Squadron Leader.

2. The Authorities specified above may grant certificate of fitness in respect of transport vehicles.

3. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

File No. RT-11014/3/89-TAG

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)**

NEW DELHI, the 8th June, 1989

Notification

S.O.414(E) In exercise of the powers conferred by clause (g) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No.S.O.1502 dated the 15th May, 1973, the Central

Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to any transport vehicle used by a person who manufactures or deals in any motor vehicle or builds bodies for attachment to chassis solely for the purposes of advertisement, demonstration, road test, endurance test, test ground or export subject to the conditions that the driver of the transport vehicle shall

- (a) carry a letter from the manufacturer or dealer indicating the purpose for which the vehicle is being used and the place to which it is proceeding;
- (b) carry the trade certificate issued under Chapter III of the Central Motor Vehicles Rules, 1989; and
- (c) not carry any goods other than the tools and accessories or any passengers other than the driver, one mechanic, one engineer and two attendants and every such driver, mechanic, engineer or attendant shall carry identity cards or letter of identity issued by the manufacturer or the dealer.

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

F.No. RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 8th JUNE, 1989

Notification

S.O.418(E) In exercise of the powers conferred by clause (i) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to any transport vehicle used for the purpose of -

State, without carrying any passenger or goods, subject to the conditions that the driver of every such vehicle shall carry-

- (a) the certificate of registration, permanent or temporary;
- (b) the certificate of fitness;
- (c) a certificate of insurance or a cover note; and
- (d) a letter from the seller of such vehicle stating the name and address of the person to whom it has been sold and the place to which it is proceeding.

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

File No. RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 8th JUNE, 1989

Notification

S.O.No.418(E) In exercise of the powers conferred by clause (i) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No.S.O. 1500, dated the 15th May, 1973, the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to a transport vehicle used for the purpose of -

- (a) sending as a replacement for a disabled transport vehicle under intimation to the State Transport Authority in whose jurisdictions the vehicle is to be used;
- (b) sending to another place of business by the owner on transfer of his business to such place;
- (c) using a goods carriage

vehicle owned by a Central Government Undertaking or a State Government undertaking as an exhibition van for demonstrating the goods manufactured by it at different place of the country for promotion of its business activities.

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

F.No. RT-11014/3/89-TAG.

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 8th JUNE, 1989

Order

S.O.417(E) In exercise of the powers conferred by clause (n) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to a transport vehicles used for carriage of foodgrains and other relief supplies for the persons affected by accident, flood, earthquake, natural calamities or unforeseen circumstances and carriage of persons and their luggage.

2. This order shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India

File No. RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

NEW DELHI, the 12th JUNE, 1989

Notification

S.O.437(E) In exercise of the

powers conferred by sub-section (1) of section 75 of Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following scheme for regulating the business of renting of motor cabs to persons desiring to drive the cabs for their own use and matters connected therewith, namely:-

Short title, commencement and application:

1. (1) This scheme may be called Rent a Cab Scheme, 1989.
 (2) It shall come into force on the first day of July, 1989.
 (3) It shall apply to all motor cabs to which tourist permits have been issued under sub-section (9) of section 88 of the Act and operating under a licence granted in terms of para 6.

2. Definition - In this section unless the context otherwise requires.

- (a) "Act" means Motor Vehicles Act, 1988 (59 of 1988);
- (b) "Form" means a Form appended to this scheme;
- (c) "licence" means a licence granted or renewed under paragraph 6 to engage in the business of renting of motor cabs to persons desiring to drive the cabs themselves for their own use;
- (d) "licensing authority" means the State Transport Authority constituted under sub-section (1) of section 68 of the Act,
- (e) "operator" means the holder of a permit issued under sub-section (9) of section 88 of the Act in respect of not less than 50 motor cabs;

3. Licensing of operators. - No person shall engage himself in the business of renting a motor cab under this scheme without a licence.

4. Application for grant or renewal of licence. - (1) An application for the grant or renewal of a licence under paragraph 6 shall be made in Form 1 to the licensing authority having jurisdiction in the area in which he resides or has his principal place of business (hereafter referred to as main office) and shall be accompanied by a fee of

rupees five thousand.

(2) Where the applicant, has besides the main office, branch office within the jurisdiction of the licensing authority referred to in clause (1), the application shall indicate such places with the number of motor cabs proposed to be stationed at each such place.

(3) Where the applicant has branch offices outside the jurisdiction of the licensing authority, the application shall be made to the licensing authority in whose jurisdiction the branch office is situated, in Form 2 accompanied by a fee of rupees one thousand in respect of each such branch offices.

5. Scrutiny of application.- A licensing authority shall, before granting or renewing a licence take into consideration the following namely:-

- (i) That applicant has a good moral character and has intimate knowledge of passenger transport business;
- (ii) That the main office or the branch office of the applicant is either owned by the applicant or is taken on lease by him or is hired in his name and it has adequate space for reception room, administrative section, clock room with locker facilities, sanitary blocks, sufficient covered space for the motor cabs;
- (iii) That the applicant has necessary facilities for the housing, maintenance and repair of his vehicles;
- (iv) That the applicant has at least one telephone which is accessible throughout day and night;
- (v) That the applicant has branch offices, with telephones, in not less than 5 cities of tourist importance with facilities for housing, maintenance and repair of vehicles;
- (vi) That the financial resources of the applicant are sufficient to provide for the continued maintenance of motor cabs and for the efficient management of the establishment;
- (vii) That the applicant maintains not less than 50 motor cabs of which

50 per cent is air-conditioned duly covered by permits issued under sub-section (9) of section 88 of the Act, with comprehensive insurance, fitness certificate, motor vehicles tax paid upto date:

Provided that in the case of licence for a branch office situated in a place outside the jurisdiction of the licensing authority, it shall be sufficient, if such branch office maintains not less than five motor cabs.

6. Grant of licence.- The licensing authority may, on receipt of an application under paragraph 4 and after satisfying himself that the applicant has complied with the requirements of paragraph 5, grant or renew the licence in Form 3 or, as the case may be, in Form 4 :

Provided that no application for a licence shall be refused by the licensing authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing by the licensing authority.

7. Duration of licence.- A licence granted or renewed under paragraph 6 shall be valid for a period of five years from the date of grant or renewal:

Provided that in the case of licences in respect of branch offices referred to under clause (3) of paragraph 4, the validity of such licence shall be restricted to the validity of the licence granted in respect of main office.

8. General conditions to be observed by the holder of the licence.- The holder of a licence shall,-

- (i) maintain a register with a separate page for such vehicle containing the particulars specified in Form 5 and where a motor cab is hired by a foreign national, shall maintain a register in Form 6.
- (ii) not shift the principal place of business mentioned in the licence without the prior approval in writing of the licensing authority which granted the licence.
- (iii) keep the premises and all the records and register maintained and the motor cabs open for inspection at all reasonable times by the licensing authority or by any

person not below the rank of motor vehicle inspector as may be authorised in this behalf by the licensing authority;

- (iv) submit, from time to time, to the licensing authority such information and return as may be called for by it;
- (v) display at a prominent place in its main office and its branch office, the licence issued in original and certified copies thereof, attested by the licensing authority;
- (vi) maintain in their main office and branch offices in a conspicuous a "complaint book" in the Form 7 with serially numbered pages in triplicate. The licensee shall despatch the duplicate copy of complaint, if any, to the licensing authority by registered post expeditiously and in any case not later than 3 days.
- (vii) maintain a suggestion box in the main office and branch offices and forward their suggestions received with their comments, if any, to the licensing authority, once a month.
- (viii) where he is having a foreign collaboration with the approval of the Government, this fact should be displayed in the office premises, with the specific approval of Department of Tourism of the Central Governments.

9. Collection of hire charges.— The holder of a licence shall collect the hire charges from a foreign national or a non-resident Indians only in foreign exchange and shall hold for the purpose a licence to transact in foreign exchange.

10. Duties and responsibilities of hirers of motor cabs.—

(1) It shall be the duty of every hirer, to keep the holder of the licence, informed of his movements, from time to time.

(2) If an individual or company has hired the vehicle as a leader of the tourist party, it shall be the duty of such leader of the party to keep the holder of the licence, informed

of the movement of each vehicle, from time to time.

11. Power of licensing authority to suspend or cancel the licence.—

- (1) If the Licensing Authority is satisfied after giving the holder of the licence, an opportunity of being heard, that he has—
 - (a) failed to comply with the provisions of paragraphs 8 or 9, or
 - (b) failed to maintain the motor cab in compliance with the provisions of the Act and rules; or
 - (c) any one of his employees has misbehaved with the customers; or
 - (d) any complaint against the licensee by any hirer has been provided beyond reasonable doubt;
 - (i) suspend the licence for a specified period, or
 - (ii) cancel the licence.

(2) Where the licence is liable to be cancelled or suspended and the licensing authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient to cancel or suspend the licence, if the holder of the licence agrees to pay the fine that may be imposed by the Licensing Authority, then notwithstanding anything contained in clause (1), the licensing authority may, instead of cancelling or suspending the licence, as the case may be, recover from the holder of the licence, the said fine.

(3) For the purpose of recovery of the sum of money agreed upon, the State Government may, by notification in the Official Gazette, specify the amount recoverable for each day of suspension and the amount recoverable in lieu of cancellation of the licence and specify the time within which the sum of money agreed upon is payable failing which the orders passed under clause (1) shall be implemented.

(4) When the licence is suspended or cancelled under clause (1), the holder of the licence shall surrender the licence to the Licensing Authority.

12. Appeal.— Any person aggrieved

by any order of the Licensing Authority under Paragraph 6 or Paragraph 11, may within 30 days of the receipt of the order, appeal to the State Transport Appellate Tribunal.

13. Procedure for appeal.— (1) An appeal under rule 12 shall be preferred in duplicate in the form of a memorandum setting forth the ground of objections to the order of the Licensing Authority and shall be accompanied by a fee as may be specified by the State Government, by notification, in the Official Gazette.

(2) The State Transport Appellate Tribunal may after giving an opportunity to the parties to be heard and after such enquiry as it may deem necessary, pass appropriate orders.

14. Voluntary surrender of the licence. The holder of a licence may at any time surrender the licence issued to him to his Licensing Authority which granted the licence and, on such surrender, the licensing authority shall cancel the licence. The holder of the licence before surrendering the licence shall clear the dues referred to in clause (2) of paragraph 11.

B.R.CHAVAN, Joint Secretary to the Government of India.

(File No. RT-11014/3/89-TAG)

FORM 1

(See paragraph 4(1))

Application for grant or renewal of licence for renting motor cabs in respect of main office

To

The State Transport Authority,
.....State/UT

I, the undersigned hereby apply for a licence for renting motor cabs in the State of

1. Full name

Son/wife/daughter of

2. (a) Full address:

(b) Telephone No.

3. Age

4. Experience in the management or transport business

(b) No. of motor cabs held with valid permit.

5. Particulars of Licence,

if already held.

6. (a) Place where the applicant has his main office with detailed address.

(b) Place where the applicant has his branch office with detailed address.

Name of Town (s)

(c) the number of motor cabs to be stationed in each branch office.

7. Nature and extent of financial resources of the applicant.

8. Particulars of Motor Cabs owned alongwith details of Registration Mark.

9. Full description of the place where the business is to be carried on -

(a) Location, open area, covered area

(b) Any other particulars.

10. I am conversant with the conditions for carrying the business for renting of Motor Cabs.

11. I hereby declare that to the best of my knowledge and belief the particulars given above are correct and true.

The prescribed fee of rupees five thousand is paid by *

Place

Date:

Signature of Applicant,

(* Here indicate mode of payment).

FORM 2

(See paragraph 4 (3))

Application for grant or renewal of licence for renting of motor cabs in respect of Branch Office, in another State

To

The State Transport Authority,
..... State/UT

I, the undersigned hereby apply for a licence for renting motor cabs in my Branch Office in the State of

1. Full Name:

2. Son/wife/daughter of

3. Full address (Branch Office)
Telephone number

4.. Age

5. Experience in the management
of transport business.(b) number of motor cabs held with
valid permits in the proposed
Branch Office.5. Particulars of licence held
for Main Office-(a) Authority which granted
the licence

(b) Date of issue

(c) Date of expiry

6. Place where the applicant has
Main Office7. Nature and extent of financial
resources of the applicant.8. Particulars of motor cabs owned with
details of permits, registration
number etc.9. Full description of the branch,
office where the business is
to be carried out.(a) Location, open area,
covered area.

(b) Any other particulars.

10. I hereby declare to the best of my knowledge
and belief the particulars given above are
correct and true.The prescribed fee of rupees one thousand
is paid by *

Place:

Signature of applicant

Date:

* indicate the mode of payment.

FORM 3

(See Paragraph 6)

Licence for renting motor-Main Office

Name of the operator:

Son/wife daughter of

Full address of the place:
of businessRegistration Mark of motor cabs authorised for
rentingMain Office Branch Office1. 2. 3.
4. 5. 6.
7. 8. 9.
10. 11. 12.

is licensed to rent motor cab.

This licence is issued on and
is valid uptoState Transport Authority
.....State/UTRenewal

Renewed from to

State Transport Authority
.....State/UTFORM 4

(See Paragraph 6)

**Licence for renting of Motor Cabs -
Branch Office**

Name of the operator:

Son/wife/daughter of

Full address of the Branch Office.....

Address where the Main Office is situated

Licence number and the Authority which issued the licence
with its date of expiryRegistration Mark of motor cabs authorised for renting
in the Branch Office

is licenced to rent motor cabs

The licence is issued on and is valid
uptoState Transport Authority
.....State/UTRenewal

Renewed from to

State Transport Authority
..... State/UT

Form 5

(See paragraph 8)

Register to be maintained by Rent a Motor Cab - Licencee

Sr No	Name of Hirer	Full address	Telephone No. if any	Motor Driving Licence No.	Issued by (Authority)	Class of vehicle	Date of issue
1	2	3	4	5	6	7	8

Date of Expiry	Date and Time of Hire	Date and Time of returning vehicle	Motor vehicle used for total kilometers	Signature of Hirer	Remarks
9	10	11	12	13	14

FORM 6

(See paragraph 8(i))

Register to be maintained by Rent a Motor Cab Licence in case where the motor cab is hired to a foreigner

Sr. No.	Name of Hirer	Full address	Telephone No. if any	Motor Driving Licence No.	Issued by (Authority)	Class of vehicle	Date of issue	Passport No.
1	2	3	4	5	6	7	8	9

Issued by the Authority and State/ Nation	Date of issue of passport	Date of expiry per passport	Date of birth as per passport	Driving permit No. if any.	Date of issue of driving permit	Date of issue of vehicle	Date and time of hire	Motor vehicle used for hire	Signature of Hirer.	Remarks
11.	12	13	14	15	16	17	18	19	20	21

FORM 7

(See paragraph 8(vi))

Complaint Book (with pages serially numbered in Triplicate)

1. Name of the complaint:
2. Full address:
3. The name and address of the holder of the licence for 'Rent a Cab'
4. Licence number, and the authority which issued the licence.
5. The date and time of hiring the vehicle and date and time when the vehicle was returned.
6. Vehicle number

Complaint in brief:

Signature

Date:

Place

1. The State Transport Authority (Duplicate copy) by Registered Post.
2. The complainant. (Triplicate copy)

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)**

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NEW DELHI, THE 9th JUNE, 1989

Notification

S.O.438(E) In exercise of the powers conferred by sub-clause (a) of the third proviso to sub-section (1) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No.S.O. 1008, dated the 9th August, 1971, the Central Government hereby specifies that the form of special distinguishing mark to be assigned to public service vehicles covered by special permits referred to the said sub-section, shall be as indicated below and that the said distinguishing mark shall be displayed prominently on the wind screen of the said vehicle.

Form of Certificate

This is to certify that Motor Vehicle No.----- is being used for the purpose of defence for the period with effect from -----to-----

This vehicle is exempted from the provisions of section 66(1) of

of Motor Vehicles Act, 1988.

SEAL**Regional Transport Officer**Place _____
Date _____Region
State

2. This notification shall come into force on the first day of July, 1989

B.R.CHAVAN, Joint Secretary to the Government of India

F.No. RT-11014/3/89-TAG

**GOVERNMENT OF INDIA
MINISTRY OF SURFACE TRANSPORT
(TRANSPORT WING)**

* * *

NEW DELHI, THE 9th JUNE, 1989

Notification

S.O.438(E) In pursuance of sub-section (8) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No.S.O. 1008, dated the 9th August, 1971, the Central Government hereby specifies that the form of special distinguishing mark to be assigned to public service vehicles covered by special permits referred to the said sub-section, shall be as indicated below and that the said distinguishing mark shall be displayed prominently on the wind screen of the said vehicle.

Special Distinguishing Mark**Dimensions****CONTRACT**

Border 6 mm.

Special permit No.

Overall Diameter
100 mm.issued under section 88 (E)
of motor vehicles Act 1988
issued By-----ColourCentre-Light
Blue

Valid up to -----

Border-Red

Note: This should be displayed
prominently on the wind
screen of the vehicle.**CARRIAGE**

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India.

F.No. RT-11014/3/89-TAG

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOOtal MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)**

NEW DELHI, THE 8th June, 1989

Notification

S.O.415(E) In exercise of the powers conferred by clause (ii) of sub-section (11) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No.S.O.1771, dated the 11th June, 1973, the Central Government hereby specifies for the purposes of said clause, the following qualifications and conditions, namely:-

Qualifications.- A driver of a tourist vehicle shall possess the following qualifications, namely:-

- (a) a driver's licence with at least two year's experience;
- (b) elementary knowledge of the mechanism and maintenance of the tourist vehicle he drives.
- (c) knowledge of the topography of the route or area or region in which the tourist vehicle is proposed to be used.
- (d) working knowledge of English and Hindi or any language of the region where he works.

NOTE:- Qualification (d) shall not apply in cases where the driver is accompanied by a conductor who has the said qualification.

Conditions.- A driver of a tourist vehicle shall satisfy the following conditions, namely :-

- (a) in summer months he shall wear a white uniform of the following descriptions, namely :-
 - (i) loose trousers;
 - (ii) bush shirt or coat with two pockets and letter 'T' sewn on the left hand pocket of the shirt or coat in red thread.
- (b) in winter months he shall wear a blue or grey uniforms of the following descriptions,

namely :-

- (i) loose trousers;
- (ii) buttoned up coat with two pockets and the letter 'T' sewn on the left hand pocket in red thread or open coat with two pockets and the letter 'T' sewn in left hand pocket in red thread, white full sleeved shirt and blue tie.

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India.

File No. RT-11014/389-TAG

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOOtal MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)**

NEW DELHI, THE 9th JUNE, 1989

Notification

S.O.No.425(E) In exercise of the powers conferred by sub-section (1) of section 112 of the Motor Vehicles Act, 1988(59 of 1988), the Central Government hereby fixes the speed specified in column (2) of the Table below as the maximum speed in respect of the class of motor vehicles specified in the corresponding entry in column (2) thereof.

Table

Class of vehicles	Maximum speed per hour in kilometres
(1)	(2)
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer:-	
(a) if the vehicle is a light motor vehicle other than a transport vehicles;	No limit
(b) if the vehicle is a light motor vehicle,	

	and a transport vehicle;	65
(c)	if the vehicle is a motor cycle	50
(d)	if the vehicle is a medium or heavy passenger motor vehicle	65
(e)	if the vehicle is a medium or heavy goods vehicle	65
(2)	If the vehicle is an articulated vehicle, all the wheels of which are fitted with pneumatic tyres, which is a heavy goods vehicle or heavy passenger motor vehicle	50
(3)	If the vehicle is drawing not more than one trailer, or in the case of artillery equipment, not more than two trailers and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres -	
(a)	if the vehicle is a light motor vehicle and the trailer being two-wheeled has a gross vehicle weight not exceeding 800 Kgm.	60
(b)	if the vehicle is a light motor vehicle and the trailer has more than two wheels or a gross vehicle weight exceeding 800 kilograms.	50
(c)	if the vehicle is a medium goods vehicle or medium passenger motor vehicle	50
(d)	if the vehicle is a heavy goods vehicle or heavy passenger motor vehicle	40
(e)	if the vehicle is a heavy goods vehicle or heavy passenger motor vehicle used by the fire brigade.	50
(4)	Any other case not covered by entry (1), (2) or (3)	30

2. This notification shall come into force on the first day of July, 1989

B.R.CHAVAN, Joint Secretary to the Government of India

File No. RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOOTAL PARIVAHAN MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)
New Delhi, the 12th June, 1989

Notification

S.O.439(E) In exercise of the powers conferred by section 118 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following regulations for the driving of motor vehicles, namely:-

1. **Short title and commencement.**-(1) These regulations may be called the Rules of the Road Regulations 1989.

(2) They shall come into force on the first day of July, 1989.

2. **Keep left.**- The driver of a motor vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient and shall allow all traffic which is proceeding in the opposite direction to pass on his right hand side.

3. **Turning to left and right.**- The driver of a motor vehicle shall:

(a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering;

(b) when turning to the right draw as near as may be to the centre of the road along which he is travelling and arrive as near as may be at the left hand side of the road which the driver is entering.

4. **Passing to right.**- Except as provided in regulation 4, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself.

5. **Passing to the left.**- The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right has drawn to the centre of the road and may pass on either side, a tram car or other vehicle running on fixed rails whether travelling in the same direction as himself or otherwise provided that in no case shall he pass a tram car at a time or in a manner likely to cause danger or inconvenience to other users of the road including persons leaving or about to enter tram cars.

6. **Overtaking prohibited in certain cases.**- The driver of a motor vehicle shall not pass a vehicle travelling in the same direction as himself:

- (a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction,
- (b) if he is near a point, a bend or corner or a hill or other obstruction of any kind that renders the road ahead not clearly visible.
- (c) if he knows that the driver who is following him has began to overtake him,
- (d) if the driver ahead of him has not signalled that he may be overtaken.

7. Overtaking not to be obstructed.— The Driver of a motor vehicles shall not, when being overtaken or being passed by another vehicle, increase speed or do anything in any way to prevent the other vehicle from passing him.

8. Caution at road junction.— The driver of a motor vehicle shall slow down when approaching a road intersection, a road junction, pedestrian crossing or a road corner, and shall not enter any such intersection, junction or crossing until he has become aware that he may do so without endangering the safety of persons thereon.

9. Giving way to traffic at road junction. The Driver of a motor vehicle shall, on entering a road intersection, at which traffic is not being regulated, if the road entered is a main road designated as such, give way to the vehicles proceeding along that road, and in any other case give way to all traffic approaching the intersection on his right hand.

10. Fire service vehicles and ambulance to be given free passage.— Every driver shall, on the approach of a fire service vehicle or of an Ambulance allow it free passage vehicles by drawing to the side of the road.

11. Right of way.— The pedestrians have the right of way at uncontrolled pedestrian crossings when any road is provided with footpath or cycle tracks specially for other traffic, except with permission of a police officer in uniform, a driver shall not drive on such footpath or track.

12. Taking 'U' turn.— No driver shall take a 'U' turn where 'U' turn is specially prohibited and on busy traffic road. If a 'U' turn is allowed the driver shall show signal by hand as for a right turn,

watch in the rear view mirror and turn when safe to do so.

13. Signals to be given by drivers.— The following signals shall be used by the drivers of all motors vehicles namely:-

- (a) When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm so extended up and down several times in such a manner that the signal can be seen by the driver of any vehicle which may be behind him.
- (b) When about to stop, a driver shall raise his right forearm vertically outside of and to the right of the vehicle, palm to the right.
- (c) When about to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front.
- (d) When about to turn to the left or to drive to the left hand side of the road, a driver shall extend high right arm and rotate it in an anticlockwise direction.
- (e) When a driver wishes to indicate to the driver of a vehicle behind him that he desires the driver to overtake him he shall extend his right arm and hand horizontally outside of and to the right of the vehicle and shall swing the arm backward and forward, in a semi-circular motion.

14. Direction indicator.— The signals referred to in regulation 12, may be simplified also by mechanically or electrical devices.

15. Parking of the vehicle.— (1) Every driver of a motor vehicle parking on any road shall park in such a way that it does not cause or is not likely to cause danger, obstruction or undue inconvenience to other road users and if the manner of parking is indicated by any sign board or markings in the road side

he shall park his vehicle in such manner.

(2) A driver of a motor vehicle shall not park his vehicle:-

- (i) at or near a road crossing, a bend, top of a hill or a hump-backed bridge;
- (ii) on a foot-path;
- (iii) near a traffic light or pedestrian crossing;
- (iv) in a main road or one carrying fast traffic;
- (v) opposite another parked vehicle or as obstruction to other vehicle;
- (vi) along side another parked vehicle;
- (vii) on roads or at places on roads where there is a continuous white line with or without a broken line;
- (viii) near a bus stop, school or hospital entrance or blocking a traffic sign or entrance to a premises or a fire hydrant;
- (ix) on the wrong side of the road;
- (x) where parking is prohibited;
- (xi) away from the edge of the foot path.

16. Visibility of lamps and registration marks.- (1) No load or other goods shall be placed on any motor vehicle so as to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the Act, unless a duplicate of the lamp or mark so marked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the marked or obscured lamp or mark.

(2) All registration and other marks required to be exhibited on a motor vehicle by or under the Act shall at all times be maintained in a clear and legible condition.

17. One way traffic.- A driver shall not -

- (i) drive a motor vehicle on roads declared 'One Way' except in the direction specified by sign boards.
- (ii) drive a vehicle in a reverse

direction into a road designed 'One Way'.

18. Driving on channelised roads (land traffic). (1) When any road is marked by lanes for movement of traffic, the driver of a motor vehicle shall drive within the lane and change the lane only after giving proper signal.

(2) Where any road is marked by a yellow-line dividing road, the vehicle proceeding in the same direction trying to over-take each other shall not cross the yellow line.

19. Stop sign on road surface.- (1) When any line is painted on or inlaid into the surface of any road at the approach to the road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a Police Officer or by means of a traffic control lights or by the display of any traffic sign.

(2) A line for the purpose of this regulation shall not less than 50 millimetres in width at any part and may be either in white, black or yellow.

20. Towing.- (1) No vehicle other than a mechanically disabled motor vehicle or incompletely assembled motor vehicle, a registered trailer or a side car, shall be drawn or towed by any motor vehicle, except for purposes of delivery and to the nearest filling station or garage.

(2) No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or towed a person holding a licence authorising him to drive the vehicle or unless the steering wheels of the motor vehicle being towed, are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed five meters. The tow ropes, or chains shall be of a type easily distinguishable by other road users and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than seventy five millimeters high and on a white background

the words 'ON TOW'.

(4) No motor vehicle when towing another vehicle other than a trailer or side car shall be driven at a speed exceeding twenty-four kilometers per hour.

21. Use of horn and Silence Zones.- A driver of a vehicle shall not (i) sound the horn needlessly or continuously or more than necessary to ensure safety;

- (ii) sound the horn in silence zones;
- (iii) make use of a cut-out by which exhaust gases are released other than through the silencer;
- (iv) fit or use any mentioned horn giving an harsh, shrill loud or alarming noise;
- (v) drive a vehicle creating undue noise when in motion;
- (vi) drive a vehicle with a muffler causing alarming sound.

22. Traffic sign and Traffic Police.- A driver of a motor vehicle and every other person using the road shall obey:-

- (a) every direction given, whether by signal or otherwise, by a police officer or any authorised person for the time being in-charge of the regulation of traffic;
- (b) any direction applicable to him and indicated on or by notice, traffic sign or signal fixed or operated by an authority, competent to do so;
- (c) any direction indicated by automatic signalling devices fixed at road intersections.

23. Distance from vehicles in front.- The driver of a motor vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle to avoid collision if the vehicle in front should suddenly slow down or stop.

24. Abrupt brake.- No driver of a vehicle shall apply brake abruptly unless it is necessary to do so for safety reasons.

25. Vehicles going uphill to be given precedence.- On mountain roads and steep roads, the driver of a motor vehicle travelling down hill shall give precedence to a vehicle going up-hill wherever the road is not sufficiently wide to allow the vehicles to pass each other freely without danger, and stop the vehicle

to the side of the road in order to allow any vehicle proceeding uphill to pass.

26. Obstruction of Driver.- A driver of a motor vehicle shall not allow any person to stand or sit or anything to be placed in such a manner or position as to hamper his control of the vehicle.

27. Speed to be restricted.- The driver of a motor vehicle shall, when passing or meeting a procession or a body of troops or police on the march or when passing workman engaged on road repair, drive at a speed not exceeding than 25 kilometers an hour.

28. Driving of tractors and goods vehicles.- A driver when driving a tractor shall not carry or allow any person to be carried on tractor. A driver of goods carriage shall not carry in the driver's cabin more number of persons than that is mentioned in the registration certificate and shall not carry passengers for hire or reward.

29. Projection of loads.- No person shall drive in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to rear or in height beyond the permissible limit.

30. Restriction to carriage of dangerous substances.- Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance, shall be carried on any public service vehicle.

31. Restriction on driving backwards.- No driver of a motor vehicle shall cause the vehicle to be driven backwards without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person or in any circumstances, for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

32. Production of documents.- (i) A person driving a vehicle, shall always carry with him his driving licence; certificate of registration; certificate of taxation and certificate of insurance of the vehicle and in case of transport vehicle the permit and fitness certificate, also;

(ii) shall on demand by police officer in uniform or an officer of the Motor Vehicle Department in uniform

or any other officer authorised by the Government, produce the documents for inspection.

33. Every driver must be conversant with the provisions of sections 112, 113, 121, 122, 125, 132, 134, 185, 186, 194 and 207 of the Motor Vehicles Act, 1988.

B.R.CHAVAN, Joint Secretary to the Government of India.

File No. RT-11014/3/89-TAG

force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India.

File No. RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOOTAL MANTRALAY)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 12TH JUNE, 1989

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOOTAL MANTRALAY)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 12th June, 1989

Notification

S.O.441(E) In pursuance of the Explanation below Section 185 of the Motor Vehicles Act, 1988, (59 of 1988) in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No.S.O.1929, dated the 17th June, 1978, the Central Government hereby specifies the following drugs which shall be deemed to render a person incapable of exercising proper control over a motor vehicle, namely:-

1. Central Nervous System Depressant:
 - (a) Cannabia, (b) Cocaine.
2. Hypnotics Sedatives :
 - (a) Allobarbitone, (b) Phenobarbital
 - (c) Secobarbital, (d) Cyclobarbitone,
 - (e) Bartitone, (f) Methaqualene,
 - (g) Chloral Hydrate.
3. Narcotic Analgesics :
 - (a) Morphine, (b) Pethidine.
4. Psycho-tropic drugs :

Lysorgie Acid Di-ethylewride (L.S.D.).
5. Stimulants :
 - (a) Amphetamine, (b) Methyl Phanidate Hydrochloride.
6. Tranquilizers :
 - (a) Diazepam, (b) Chloridiarepoxide,
 - (c) Nitrazepam.
2. This notification shall come into

Notification

S.O.442(E) In exercise of the powers conferred by the Explanation to section 203 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the notification of the Government of India in the Ministry of Surface Transport No.S.O.3796, dated the 23rd November 1977, the Central Government hereby approves the following types of devices (hereinafter referred to as the breath analyser), for the purpose of obtaining an indication of the presence of alcohol in a person's blood by means of a test carried out, on one or more specimens of breath provided by that person, for the purpose of breath tests, namely:-

(1) Device I- The breath analyser shall comprise the following, namely:-

- (a) An indicator tube containing material which would undergo change of colour when in contact with alcohol vapours on breathing of an alcoholic subject into the tube;

Provided that the shelf-life of the indicator tube shall not less than one year, so that the performance of the breath analyser stored for this period shall in no way be different from that of a freshly made indicator tube;

- (b) a mouthpiece made of non-toxic plastic material;
- (c) an inflatable bag of volume of 1 litre, when fully inflated, made of polythene and attached with the mouthpiece at the opening.

(2) Device-II- The breath analyser shall

comprise the following, namely:-

- (a) An indicator test type containing material which would undergo change of colour when in contact with alcohol vapours on dealing with an alcoholic subject into the tube;
- (b) a mouth-piece;
- (c) a breath back with a colour neck and capacity; or

(3) Device III- The breath analyser shall comprise the following, namely:-

- (a) An indicator tube fused at both ends and containing a yellow reagent which would undergo change of colour when in contact with alcohol vapours on breathing of an alcoholic subject into the tube;

Provided that the shelf-life of the indicator tube shall not be less than three years, so that the performance of the breath analyser stored for this period shall in no way be different from that of a freshly made indicator tube;

- (b) a mouth-piece;
- (c) an inflatable bag and attached with a mouthpiece at the opening and further identified by a broad weight hang, or

(4) Device IV- The breath analyser shall comprise the following, namely:-

An evidential digital instrument when oxidated with the breath containing alcohol an electric signal which is amplified and displayed as blood alcohol concentration.

2. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India.

File No. RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 12th June, 1989

NOTIFICATION

S.O.443(E) In exercise of the powers conferred by sub-section (4) of section 213 of the Motor Vehicle Act, 1988(59 of 1988), the Central Government hereby prescribes that the minimum qualification for the class of officers consisting of the category of Inspector of motor vehicles or Assistant Inspector of motor vehicles (by whatever names called) shall be as under -

Qualification:

1. Minimum general educational qualification of a pass in X standard; and
2. a diploma in Automobile Engineering (3 year course)

Or

a diploma in Mechanical Engineering awarded by the State Board of Technical Education (3 year course); and

3. working experience of at least one year in a reputed automobile workshop which undertakes repairs of both light motor vehicles, heavy goods vehicles and heavy passenger motor vehicles fitted with petrol and diesel engine; and
4. must hold a driving licence authorising him to drive motor cycle, heavy goods vehicles and heavy passenger motor vehicles.

2. Nothing contained in the notification shall apply to an officer appointed to such post before the first day of July, 1989 and to an officer appointed to discharge function of a non-technical nature.

3. This notification shall come into force on the first day of July, 1989.

B.R.CHAVAN, Joint Secretary to the Government of India.

RT-11014/3/89-TAG

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT
(JAL BHOUTAL MANTRALAYA)
(TRANSPORT WING/PARIVAHAN PAKSHA)

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NEW DELHI, THE 12 JUNE, 1989

Notification

S.O.440(E) In exercise of the powers conferred by sub-section (1) of section 163 of the Motor Vehicles Act, 1988 (59 of 1988), the central Government hereby makes the following scheme for payment of compensation to the victims of hit and run motor accident, namely:-

1. Short title and commencement.-

(1) This scheme may be called the Solatium Scheme, 1989.

(2) It shall come into force on the first day of July, 1989.

2. Definitions.- In the scheme, unless the context otherwise requires,-

(a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);

(b) "Claims Enquiry Officer" means the Sub-Divisional Officer, Tehsildar, or any other officer in charge of a revenue sub-division or a Taluka in each revenue district of a State or such other officer not below the rank of Sub-Divisional Officer or a Tehsildar, as may be specified by the State Government.

(c) "Claims Settlement Commissioner" means the District Magistrate, the Deputy Commissioner, the Collector or any other officer in-charge of a revenue district in a State appointed as such by a State Government.

(d) "clause" means clause of this scheme.

(e) "District level Committee" means a Committee set up under clause 11.

(f) "Form" means a Form annexed to the Scheme.

(g) "Standing Committee" means a Committee set up under clause 3.

(h) "Transport Commissioner" means an officer appointed as such by the State Government and includes the Director General of Transport, Director of Transport or the Controller of Transport, appointed by the State Government.

3. Standing Committee.- (1) There shall be Standing Committee consisting of the following members, namely:-

(a) Joint Secretary (Transport) Chairman

(b) Joint Secretary (Insurance) Member

(c) General Manager, General Insurance Corporation Member

(d) General Manager of each of Insurance Companies for the time being carrying on general insurance business in India Member

(e) Transport Commissioners one each from three States, nominated by the Central Government by rotation Member

(f) Director/Deputy Secretary (Finance Division) Ministry of Surface Transport Member

(g) An officer of General Insurance Corporation, of the rank of Deputy General Manager (Accounts) Member Secretary

(2) The persons nominated as member by virtue of an office shall cease to be a member when he ceases to hold that office.

(3) The term of office of the members nominated under sub-clause (a) of clause (1) shall be for a period of one year.

4. Remuneration of members of Standing Committee.- A member shall not be paid any remuneration, except travelling and daily allowance at the rates admissible to him and be paid from the source he draws salary.

5. Powers and functions of the Standing Committee.- The Standing Committee shall

(i) Periodically review the working of the scheme and its implementation and direct corrective steps wherever necessary;

(ii) considering the issues raised in the report of the District level Committee and provide guidance or directions, wherever called for;

(iii) framing regulations for conduct of business by Standing Committee and District level Committee.

6. Meeting of the Standing Committee.- The Standing Committee shall meet at such time, date and at such a place as the Chairman may, from time to time, appoint in this behalf;

Provided that the Committee

shall meet at least twice a year.

7. Quorum.— Not less than three members shall form a quorum.

Provided that if at any meeting there is no quorum, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notices to other members that he proposes to dispose of the business at the adjourned meeting, whether there is a quorum or not and he may thereupon dispose of the business at such adjourned meeting.

8. Decision by majority.—Every matter shall be determined by a majority of votes of the members present and voting and in case of equality of votes, the Chairman shall have a casting vote.

9. Notice of meeting.—(1) Notice shall be given by the member-Secretary to every member of the time, date and place fixed for each such meeting at least seven days before such meeting and each member shall be furnished with a list of business to be disposed of at the said meeting:

Provided that when a urgent meeting is called by the Chairman, such notice shall not be necessary. However, member Secretary shall send an intimation to each member.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

10. Minutes of the meeting.— The proceedings of each meeting of the Standing Committee shall be circulated to all members and thereafter recorded in a minutes book which shall be kept as permanent record. The record of the proceedings of each meeting shall be signed by the Chairman.

11. District level Committee.-
(1) There shall be a District Level Committee in each District consisting of the following members, namely:-

- (a) Claims Settlement Commissioner Chairman
 - (b) Claims Enquiry Officer, nominated by the State Government Member
 - (c) The Regional Transport Officer or any other Officer of Motor Vehicles Department as nominated by the State Government Member

- (d) Any member of the public or, a voluntary organisation connected with the road safety aspects nominated by the Chairman Member

- (e) Divisional Manager of the Member
Insurance Company Secretary

- (2) A person nominated as a member virtue of an office shall cease to be a member when he ceases to hold office.

- (3) The term of officer nominated under sub-clause (b), (c) and (d) shall be one year.

12. Remuneration of Member of the District Committee.- A member shall not be paid any remuneration except travelling and daily allowance at the rate admissible to him in his respective Department and be paid from the source he draws salary. A member nominated under clause (d) shall be paid travelling allowance/dearness allowance by General Insurance Corporation, at the rate as may be decided by the General Insurance Corporation.

13. Powers and functions of District level Committee.- The District level Committee shall undertake all functions connected with the implementation of the scheme at the District level. It shall also perform functions such as:

- (i) to evaluate the progress of implementation of the scheme in the concerned District and take corrective steps, wherever necessary;
 - (ii) to submit a report on quarterly basis to the Standing Committee. This report shall inter alia include statistics monthwise, about the claim applications received, awarded, pending and reasons for pendency.
 - (iii) to keep close liaison with other authorities in the district so as to ensure that scheme gets adequate publicity.
 - (iv) to provide guidance/clarifications to concerned authorities wherever called for.

14. Meeting of the District level Committee.- The District Level Committee shall meet at such time, date and at such place, within the concerned District itself, as the Chairman may, from time

to time, appoint in this behalf :

Provided that the Committee shall meet at least once in each quarter.

15. Quorum.— Not less than two members shall form a quorum.

16. Decision by majority.— Every matter shall be determined by a majority of vote of the member present and voting. In case of equality of votes Chairman shall have a casting vote.

17. Notice of meeting.— (1) Notice shall be given by the member Secretary to each member of the time, date and place fixed for the meeting at least seven days before such a meeting and each member shall be furnished with a list of business to be disposed of at the said meeting.

Provided that when an urgent meeting is called by the Chairman, such notice shall not be necessary. However, member-Secretary shall send an intimation to each member.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

18. Minutes of the meeting.— The proceedings of each meeting of the 'District Level Committee' shall be circulated to all members and thereafter recorded in a minute book which shall be kept as a permanent record. The record of the proceedings of each meeting shall be signed by Chairman.

19. Nomination of insurance company.— General Insurance Corporation shall nominate any of its office or an insurance company in each District for settlement of claims under section 161 of the Act and of this scheme.

20. Procedure for making the claim application.—(1) The applicant shall submit an application seeking compensation under this scheme in Form I along with duly filled in discharge receipt in Form II and the undertaking in Form V to the Claims Enquiry Officer of the Sub-Division or Taluka in which the accident takes place.

(2) An application under clause (1) shall be made within a period of six months from the date of the accident:

Provided that an application made

after six months but not after 12 months from the date of the accident may be accepted by the Claims Enquiry Officer, if he is satisfied that there are reasonable grounds to condone the delay.

(3) Where the Claims Enquiry Officer does not accept the grounds advanced by the applicant, he shall record speaking orders and communicate to the applicant reasons for not accepting the claim application.

21. Procedure to be followed by the Claims Enquiry Officer.— (1) On receipt of claims application, the Claims Enquiry Officer shall immediately obtain a copy of the FIR, inquest report, post mortem report or certificate of injury, as the case may be, from the concerned authorities and hold enquiry in respect of claims arising out of hit and run motor accidents.

(2) It shall be the duty of the Claims Enquiry Officer—

(a) to decide as to who are the rightful claimants, where there are more than one claimants;

(b) to submit, as early as possible, and in any case within a period of one month from the date of receipt of application a report in Form-III alongwith duly discharged receipt in Form-II and the undertaking in Form V alongwith his own recommendation.

(3) Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry under sub-clause (2) of clause 22, the Claims Enquiry Officer shall make such additional enquiries as may be necessary and resubmit the report to the Claims Settlement Commissioner within 15 days for final order.

22. Sanctioning of Claims.— (1) On receipt of report of the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim, as far as possible, within a period not exceeding fifteen days from the date of receipt of such report and communicate the sanction order in Form IV alongwith duly discharged receipt in Form-II and the undertaking in Form V to the Nominated office of the insurance company, with a copy of the following:—

(a) the Claims Enquiry Officer

(b) the claimant

- (c) the concerned motor Accident Claim Tribunal
- (d) the concerned Transport Commissioner
- (e) General Insurance Corporation headquarters.

(2) Where the Claims Settlement Commissioner has any doubt in respect of the report submitted by the Claims Enquiry Officer, he shall return the report to the Claims Enquiry Officer for further enquiry, indicating the specific points on which the enquiry is to be made.

23. Payment of compensation.-

(1) In the case claims arising out of death, the payment shall be made to the legal representatives of the deceased, as decided by the Claim Enquiry Officer.

(2) In the case of claims arising out of grievous hurt, the payment shall be made to the person injured.

(3) The nominated office of the insurance company, immediately on receipt of the sanction order in Form IV together with discharge receipt in Form II and the undertaking in Form V shall make the payment to the claimant and despatch a cheque/demand draft to the claimant through registered post AD and simultaneously send intimation to all the concerned authorities to whom the copy of the sanction order is endorsed.

(4) The payment to the claimant by the insurance company shall be made within 15 days from the date of receipt of the sanction order together with discharge receipt and wherever delay occurs, reasons therefore shall be explained to the Claims Settlement Commissioner.

(5) Registered letters containing cheques/demand draft, if returned undelivered from claimants shall be placed before the Claims Settlement Commissioner for further directions.

(6) The nominated office of the insurance company shall furnish monthly return giving number and the date of the sanction order, date of receipt of sanction order, payments made, sanction order pending for payment, to the Claims Settlement Commissioner with a copy to Claims Enquiry Officer and General Insurance Corporation Headquarters, Bombay.

24. Annual Report.- The General Insurance Corporation shall prepare and place an annual report on the working of the scheme before the Standing Committee, and also forward a copy to the

Central Government.

B.R.CHAVAN, Joint Secretary to the Government of India.

(File No. RT-11014/3/89-TAG)

FORM I

(Clause 20 (1))

FORM OF APPLICATION FOR COMPENSATION FROM
SOLATIUM FUND

I, _____ son of/daughter of/widow of* Shri _____ residing at _____ having been grievously injured in motor vehicle accident hereby apply for grant of compensation for the grievous injuries sustained. Necessary particulars in respect of the injury sustained by me are given below:-

I, _____ son of/daughter of/widow of* Shri _____ residing at _____ hereby apply as a legal representative/agent for the grant of compensation on account of death/injuries sustained by Shri/Shrimati/Kumari _____ son of/widow of/daughter of Shri _____ who died/had sustained injuries in a motor vehicle accident on _____ at _____. Particulars in respect of accident and other information are given below:-

1. Name and father's name of person injured (husband's name in case of married woman or widow).

2. Address of the person injured/dead:

3. Age _____ Date of birth _____

4. Sex of the person injured/dead :

5. Place, date and time of the accident :

6. Occupation of the person injured/dead :

7. Nature of injuries sustained :

8. Name and Address of Police Station in whose jurisdiction accident took place or was registered :

9. Name and address of the Medical Officer/Practitioner who attended on the injured/dead :

10. Name and address of the claimant/claimants :

11. Relationship with the deceased :

12. Any other information that may be considered necessary or helpful in the disposal of the claim :

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

Signature of the claimant

* Strike out whichever is not applicable

FORM - II

(Clause 20 (i))

ANNEXURE :-

SANCTION ORDER NO. _____

Dated : _____

Discharge Receipt

Received with thanks from _____
 Insurance Co. Ltd, sum of Rs. _____
 being the compensation under hit and run provisions
 of the Motor Vehicles Act in full and final settlement
 of my claim for the accident occurred to me/
 to the deceased person name of deceased

on _____ at _____
 date of accident _____ Name of place _____

Signature on revenue stamp
 by Beneficiary/Victim

WITNESS

FORM - III

(Clause 21(2) (b))

CLAIMS ENQUIRY REPORT TO BE SUBMITTED BY THE
CLAIMS ENQUIRY OFFICER TO THE CLAIMS SETTLEMENT
COMMISSIONER.

1. Name and address of the person dead/injured :
2. Place, time and date of the accident :
3. Particulars of the Police Station in which the accident was registered :
4. Particulars of the medical officer/practitioner who examined the dead/injured :
5. Particulars of persons summoned and examined :
6. Whether the fact of death/injury by hit and run motor accident has been established or not and the reasons for coming to that conclusion :
7. The name and address of claimant(s)/eligible for payment of compensation :
8. The amount of compensation recommended for payment to the claimant. (In case of more than one claimant the amount each one of the claimants is eligible and the reasons thereof shall be specified).
9. Any other information or records relevant or useful for the settlement of the claim.

Signature, designation
 of the Claims Enquiry Officer.

Seal : _____
 Date : _____

FORM IV

(Clause 22(1))

Serial No. _____

Claims Settlement Commissioner

District _____

ORDER

I hereby sanction Rs. 8500 (Rupees Eight Thousand Five Hundred only) + Rs. 2000 (Rupees Two Thousand only)

as compensation in respect of the death of _____ Name of

_____ / grievous hurt to _____ Name of injured

deceased resulting from hit and run motor accidents which took place at _____ on _____ to S/Shri/ Name of place Date

Shrimati/Kumari _____ as the legal representative of the deceased _____

or to _____ Name of injured

Claims Settlement Commissioner

FORM V

(Clause 20 (1))

(Under Section 162 of the Motor Vehicles Act, 1988)

I/We _____ as legal representative(s)/ of the deceased/injured _____ hereby give undertaking that I/we shall refund the amount of compensation awarded to me/us under sanction order No. _____ dated _____ by the Claims Settlement Commissioner _____ to the insurer in case I/we/am/are awarded any other compensation or amount in lieu of or by way of satisfaction of a claim for compensation in respect of death or grievous hurt to _____ under any other provisions of the Motor Vehicles Act, 1988 or any other law for the time being in force or otherwise.

Signature of the legal
 representative of the
 deceased/injured person.